

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

LIBERTY MUTUAL INSURANCE)
COMPANY AND SUBSIDIARIES,)
Plaintiff,) Civil No. 1:05-11048-RCL
)
v.)
UNITED STATES OF AMERICA,)
Defendant.)

LIBERTY MUTUAL FIRE INSURANCE)
COMPANY AND SUBSIDIARIES,)
Plaintiff,) Civil No. 1:05-11049-RCL
)
v.)
UNITED STATES OF AMERICA,)
Defendant.)

MOTION TO ACCEPT FOR FILING PLAINTIFFS' EXTENDED REPLY MEMORANDUM
TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT AND ITS OPPOSITION TO
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

This motion relates back and is a supplement to the motion plaintiffs filed on November 1, 2006, requesting, in part, an extension of the page limitation for plaintiffs' reply from 13 pages to 23 pages in total. Ct. Doc. No. 33. As explained in the memorandum in support of that motion (Ct. Doc. No. 34), the Court limited defendant to a 25-page brief. Defendant filed a 35-page brief in support of its motion for summary judgment and its opposition in which it took all new positions never before disclosed (Ct. Doc. No. 31). The defendant's excess-length filing

violated this Court's instructions at the scheduling conference that took place on January 12, 2006, and its minute order of the same date. In light of this violation of the Court's instructions, plaintiffs are requesting the Court to accept for filing Plaintiffs' Extended Reply Memorandum to Defendant's Motion for Summary Judgment and its Opposition to Plaintiffs' Motion for Summary Judgment, which has been electronically forwarded to the Court simultaneously herewith. Plaintiffs are also filing a 13-page Reply Memorandum in compliance with the Court's January 12, 2006 Minute Order, which 13-page memorandum will be withdrawn in the Court accepts the Extended Memorandum for filing.

Respectfully submitted,

Date: November 15, 2006

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